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HOUSE BILL 697

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Jack E. Thomas

AN ACT

RELATING TO CRIMINAL LAW; PROHIBITING THE DISCHARGE OF A  
FIREARM WITHIN ONE HUNDRED FIFTY YARDS OF A CAMPGROUND;  
PROVIDING CRIMINAL PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-7-4 NMSA 1978 (being Laws 1963,  
Chapter 303, Section 7-3, as amended) is amended to read:

"30-7-4. NEGLIGENT USE OF A DEADLY WEAPON.--

A. Negligent use of a deadly weapon consists of:

(1) discharging a firearm into any building or  
vehicle or so as to knowingly endanger a person or ~~his~~ the  
person's property;

(2) carrying a firearm while under the  
influence of an intoxicant or narcotic;

(3) endangering the safety of another by

underscored material = new  
[bracketed material] = delete

1 handling or using a firearm or other deadly weapon in a  
2 negligent manner; ~~[or]~~

3 (4) discharging a firearm within one hundred  
4 fifty yards of a dwelling or building, not including abandoned  
5 or vacated buildings on public lands during hunting seasons,  
6 without the permission of the owner or lessees thereof; or

7 (5) discharging a firearm within one hundred  
8 fifty yards of designated campgrounds, picnic areas or areas  
9 for the public to congregate within public parks, not including  
10 nature trails, hiking and backpacking areas or hunting areas.

11 B. The provisions of Paragraphs (1), (3), ~~[and]~~ (4)  
12 and (5) of Subsection A of this section shall not apply to a  
13 peace officer or other public employee who is required or  
14 authorized by law to carry or use a firearm in the course of  
15 ~~[his]~~ the officer's or employee's employment and who carries,  
16 handles, uses or discharges a firearm while lawfully engaged in  
17 carrying out the duties of ~~[his]~~ that office or employment.

18 C. The exceptions from criminal liability provided  
19 for in Subsection B of this section shall not preclude or  
20 affect civil liability for the same conduct.

21 D. Whoever commits negligent use of a deadly weapon  
22 is guilty of a petty misdemeanor."